

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

IN RE LITHIUM-ION BATTERIES
ANTITRUST LITIGATION

Case No. 3:10-MD-02420-YGR (DMR)

This Document Relates to:
ALL INDIRECT PURCHASER ACTIONS

**DECLARATION OF CHRIS WHIPPS
RE PROPOSED PLAN OF FINAL
FUNDS DISTRIBUTION TO THE
CALIFORNIA ATTORNEY
GENERAL OFFICE**

1 I, Chris Whipps, declare as follows:

2 1. I am employed as CEO of Sipree, Inc., d/b/a DigitalPay, which serves as one of the
3 Court-appointed administrators of the settlements in this action. As the CEO of DigitalPay, I oversee
4 the administrative and executive services provided in this matter. I make this declaration to further
5 outline those administrative services. I have personal knowledge of the facts set forth herein and, if
6 called as a witness, could and would testify competently thereto.

7 2. This Court has also previously appointed Epiq Class Action & Claims Solutions, Inc.
8 (Epiq) as a claims administrator for the Indirect Purchaser Class (ECF Nos. 2475, 2571).

9 3. The Declaration of Chris Whipps (DigitalPay) Re First Round Distribution and
10 Proposed Plan For Second Round Distribution submitted February 13, 2024, stated the net
11 settlement funds for the second-round distribution to class members totaled \$2,796,908.20.

12 4. To accommodate a request from a representative for class members to reissue 48
13 Phase 1 uncashed checks representing \$62,527.32 in award value, an additional program extension
14 was filed on April 10, 2024.

15 5. Prior to the second-round distribution, a third-party filer reached out to the claims
16 administrator to confirm a claim for \$318,667.07. The third-party filer did not claim those funds, but
17 there was not sufficient time for these funds to be used in the second-round distribution. These
18 funds were returned to the Qualified Settlement Fund (QSF) account.

19 6. At the time of filing this proposed plan for second-round distribution, first round
20 checks totaling \$558,358.86 were still pending. At the end of the second-round distribution,
21 \$449,237.44 of these pending checks were not cashed. These funds were returned to the QSF
22 account.

23 7. The Second Round Distribution Order also allotted a separate amount of \$278,511.35
24 to re-attempt first round digital payments to 1,094 claimants who actively reached out to Epiq and
25 informed the claims administrators they did not receive their payment due to forgetfulness, email
26 deliverability or other technical issues beyond our control. Thirty-one of these re-attempted
27 payments, totaling \$6,480.08 were not accepted by claimants and remain in the settlement account.
28 In addition, during payment administration several class members filed complaints, which were

1 addressed as follows. In each case, payment was ultimately made to and accepted by the class
2 member.

3 **Michael Sussman:**

- 4 • Complaint: Mr. Sussman's primary objection was a contention that the email validation
5 service arbitrarily blocked his payment. Previously, he had not received his payment because
6 his email address was deemed undeliverable after email validation analysis. He also raised
7 questions about the virtual Mastercard payment option. *See, e.g.*, ECF Nos. 2778, 2778-1,
8 2790, 2791, 2792
- 9 • Resolution: On March 4th, 2024, DigitalPay sent Mr. Sussman a new paywall email to accept
10 payment. This included both original and final pro-rata payment amounts. Mr. Sussman
11 accepted the funds on March 10, 2024.

12 **Frank Jolie:**

- 13 • Complaint: Mr. Jolie claimed to have not received a payment despite giving a new email
14 address and being told he would receive a payment. *See* ECF No. 2794. The Court-appointed
15 claims administrators determined that Mr. Jolie had not originally received payment because
16 his email was deemed undeliverable after email validation analysis.
- 17 • Resolution: On March 4th, 2024, DigitalPay sent Jolie a new paywall email to accept
18 payment. This included both the original and final pro-rata payment amounts. Mr. Jolie
19 accepted the funds on March 12, 2024, via a virtual debit card.

20 **Prince Farmer:**

- 21 • Complaint: Mr. Farmer made multiple objections, including: (a) his view that the settlement
22 website is allegedly confusing, (b) that the check expiration dates are too fast, (c) that the
23 reissuance of payments did not follow an appropriate procedure, (d) concerns regard the
24 email validation, and (e) the proposal for a distribution to the attorneys' general offices. *See*
25 ECF Nos. 2788, 2788-1. Mr. Farmer primarily objected that he hadn't received payment. The
26 Court appointed claims administrators determined that he had not received payment because
27 his email address had been deemed undeliverable after the email validation analysis.

- Resolution: On November 8th, 2023, DigitalPay sent out a new payment email and Farmer accepted payment on the same day. Farmer submitted this new objection on February 26, which was one (1) day after their second and final payment was sent to them through the mail (Physical Mastercard). The second payment funds were received on February 26, 2024. Mr. Farmer received a physical debit card.

Juan Torres:

- Complaint: Mr. Torres complained that he had not received a payment despite giving a new email address and being told he would receive a payment. *See* ECF No. 2793. Mr. Torres had not received payment because his email address was deemed undeliverable after email validation analysis.
- Resolution: On March 4th, 2024, DigitalPay sent Mr. Torres a new paywall email to accept payment. His objection had been filed on this same day. This payment included both original and final pro-rata payment amounts. Mr. Torres accepted the funds on March 12, 2024.

8. The settlement fund received a tax return in the amount of \$4,650.00. These funds were deposited into the QSF.

9. The second phase of the settlement distribution to class members was initiated and distributed in February through April 2024. The breakdown of payment sent by check, wire, and digital payments was:

Checks: \$76,772.96

Wires: \$1,548,426.75

Digital payments: \$1,171,601.66

10. Of the second-round distribution check payments, \$23,994.07 went uncashed. After accounting for uncashed checks, unaccepted digital payments, returned funds from withdrawn claims, tax refunds and two as-yet unpaid administration invoices, \$803,135.49 remains in the settlement account:

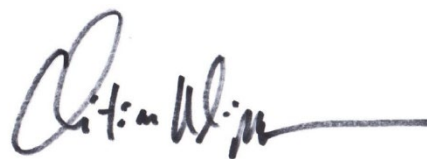
AVAILABLE FUNDS IN QSF AS OF 2/13/2024		
	Pending checks	\$ 558,358.86
	Pending wires	\$ 126,295.26
	Re-attempt Phase 1 payments (digital)	\$ 278,511.35
	Funds set aside for administrative fees	\$ 132,802.29
	Net funds available for 2 nd Distribution	\$ 2,796,908.20
QSF Balance		\$ 3,892,875.96

REMAINING FUNDS IN QSF AS OF 5/20/2024		
	QSF Beginning Account Balance	\$ 3,892,875.96
	Phase 1 checks cashed (pending as of 2/13/2024)	\$ (109,121.42)
	Phase 1 successful wires (pending as of 2/13/2024)	\$ (126,295.26)
	Phase 1 re-attempts (digital) accepted	\$ (272,031.27)
	Successful payments in 2 nd Round Distribution	\$ (2,772,807.30)
	Withdrawn claims (funds returned to QSF)	\$ 318,667.07
	Tax refund	\$ 4,650.00
	Epiq Administrative Fees – outstanding invoice & fees and expenses to complete distribution (Not yet paid)	\$ (9,923.39)
	Epiq Administrative Fees – fees and expenses to complete distribution (Not yet paid)	\$ (122,878.90)
Total Remainder for Final Distribution to California AG		\$ 803,135.49

11. Per the Order Regarding Phase II (Second Round) Distribution of Settlement Funds, the remaining settlement funds are to be distributed to the California Attorney General for use in prosecuting consumer and antitrust claims. Epiq Class Action Claims and Solutions (Epiq) will manage the final distribution of these funds. The payment will be sent via check after June 10, 2024, and no later than June 20, 2024.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 20th day of May 2024, in San Francisco, California.



CHRIS WHIPPS